

**Minutes**  
**Air Pollution Control Board**  
Indiana Government Center South  
Conference Room C  
402 West Washington Street  
Indianapolis, Indiana

**June 4, 2003**  
1:03 p.m.

1. Mr. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

**CALL TO ORDER**  
**QUORUM**

2. Chairman Walker introduced the board members.

**INTRODUCTION OF**  
**MEMBERS**

Present: Mr. John Walker, Chairman  
Mr. Thomas Anderson  
Mr. Howard Cundiff  
Mr. David Benshoof  
Mr. John Bacone, Proxy, Department of Natural Resources  
Mr. Marlow Harmon  
Mr. Chris Horn  
Ms. Pamela Fisher, Proxy, Lieutenant Governor  
Mr. Randy Staley  
Dr. Phil Stevens

Also present were Ms. Janet McCabe, Assistant Commissioner, and Ms. Kathy Watson, Air Programs Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Ms. Tonya Galbraith, Legislative and Business Liaison at IDEM, gave an overview of the legislative session and how it related to board activities and air quality activities. Ms.

**REPORTS**

Galbraith submitted a legislative summary detailing an analysis of HEA 1671 and HEA 1221. Ms. Galbraith submitted a handout of Governor O'Bannon's veto message explaining the reasoning of his veto of SEA 440 (provisions dealing with the federal new source review).

Ms. Watson reported on the status of rulemaking activities and informed the board of what to expect for the upcoming September and December board meetings. The following rules are expected to go before the board for final adoption and preliminary adoption at the September board meeting: Lake County PM<sub>10</sub> Redesignation for final adoption; 8-Hour Ozone Ambient

Air Quality Standards for final adoption; seven NESHAPs for final adoption; PSD Corrections for preliminary adoption; and, tentatively, Lake County SO<sub>2</sub> for preliminary adoption.

Ms. Watson informed the board of the following rules that will be presented at the December meeting: PSD Corrections for final adoption; Lake County SO<sub>2</sub> for final adoption; and a source specific rule change for Pfizer, Inc. for preliminary adoption.

Ms. McCabe gave a power-point presentation of the 8-hour ozone standard designation process and draft recommendations. Ms. McCabe stated that IDEM will be sending its initial recommendations to U.S. EPA for county designations by July 15, 2003. Ms. McCabe stated that the presentation gives a history of what has happened with the 8-hour ozone standard since its promulgation in 1997.

Ms. Watson reported on IDEM's efforts with regard to the redesignation of Lake County to attainment of the SO<sub>2</sub> ambient air quality standard and provided a comparison between the SO<sub>2</sub> and the 8-hour ozone standard rules.

4. Chairman Walker introduced Exhibit 1-A, the rule as preliminarily adopted, and Exhibit 1-B, the proposed rule as preliminarily adopted with IDEM's suggested changes incorporated, into the record of the hearing.

**PUBLIC HEARING  
FOR FINAL  
ADOPTION OF  
NEW RULE 326 IAC  
23-5 AND  
AMENDMENTS TO  
RULES 326 IAC 23-1  
through 23-4, Lead  
Based Paint Activities**

Mr. David White, asbestos and lead section, gave an overview of the lead based paint program as preliminarily adopted by the board. Mr. White stated the background of the rule came from House Enrolled Act (HEA)1171 which required the Board to adopt amendments to the lead based paint rules. These included adding an additional license requirement for clearance examiners and establishing training course requirements for that discipline. It also extended the current licensing requirements from one year to three years. Mr. White stated HEA 1171 established work practice standards for nonabatement activities which is in Rule 5 of Article 23 of the lead based paint rules. Since preliminarily adoption of Rule 5 by the board, IDEM has proposed a number of changes to clarify requirements. Mr. White asked the board to final adopt new rule 326 IAC 23-5 and amend rules 326 IAC 23-1 through 326 IAC 23-4.

Mr. Tom Neltner, representing Improving Kids' Environment, submitted a handout with suggested minor changes to the rule and expressed support of the rulemaking.

Ms. McCabe stated that IDEM was in agreement with the two changes that were suggested by Mr. Neltner and asked the board to adopt the rule.

Mr. Benshoof moved to adopt the amendments with suggested changes to rules 326 IAC 23-5 and 326 IAC 23-1 thru 326 IAC 23-4. Mr. Horn seconded. The motion passed unanimously.

Mr. Horn moved to final adopt rules 326 IAC 23-5, 326 IAC 23-1 thru 326 IAC 23-4 as amended. Dr. Stevens seconded. The motion passed 10 - 0.

5. Chairman Walker introduced Exhibit 2, the draft rule, into the record of the hearing.

Ms. Watson stated that the rule before the board would adopt the federal 8-hour ozone standard into State rules. Ms. Watson informed the board that the rule was being adopted as it is the federal rule. Additionally, the draft rule contains minor clarifications and updates to the language in the State rule that adopts the federal pollutant standards. Ms. Watson requested the board to preliminarily adopt the draft rules.

**PUBLIC HEARING  
FOR PRELIMINARY  
ADOPTION OF  
AMENDMENTS TO  
RULE 326 IAC 1-3-4  
Incorporation Into  
State Rules of the 8-  
Hour Ozone Ambient  
Air Quality Standards**

Mr. Anderson moved to preliminarily adopt the amendments rule 326 IAC 1-3-4. Mr. Horn seconded. The motion passed unanimously.

8. The next meeting was tentatively scheduled for Wednesday, September 3, 2003 at 1:00 p.m, Indiana Government Center South, Indianapolis, Indiana in Conference Room C.

**NEXT MEETING**

9. Mr. Harmon moved to adjourn the meeting. Mr. Benshoof seconded. The vote was unanimous. Chairman Walker adjourned the meeting at 2:36 p.m.

**ADJOURNMENT**

---

John Walker, Chairman

*These minutes were taken from the June 4, 2003 transcript, and were written on July 17, 2003, by Karol T. Chuma, Office of Air Quality.*